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2  
3  
4  
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6  
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STATE OF MICHIGAN

IN THE 3A DISTRICT COURT FOR THE COUNTY OF BRANCH

**FILED**

APR 24 2008

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TERESA KUBASIAK  
COUNTY CLERK  
BRANCH COUNTY

08-04-9015 FC

File No. 2007-1850 FY

THE PEOPLE OF THE STATE OF MICHIGAN

V

SCOTT SAWVEL, Defendant

PRELIMINARY EXAMINATION

BEFORE THE HONORABLE DAVID T. COYLE, DISTRICT JUDGE

Coldwater, Michigan - Thursday, April 10, 2008

APPEARANCES:

For the People:

MR. KIRK KASHIAN P40499  
Prosecuting Attorney  
Branch County Courthouse  
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For the Defendant:

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Certified Electronic Recorder

TABLE OF CONTENTS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

WITNESSES FOR THE PEOPLE:

PAGE

LEAH ROSE SAWVEL

Direct examination by Mr. Kashian	4
Cross examination by Ms. Ives	15
Redirect examination by Mr. Kashian	39

EXHIBITS:

None

1 Coldwater, Michigan

2 Thursday, April 10, 2008 - 1:16 p.m.

3 THE COURT: The Court will come to order. Let the  
4 record reflect that we are concerned with the matter of the  
5 People of the State of Michigan against Scott Sawvel. Mr.  
6 Sawvel is present in court at this time and is represented by  
7 Ms. Ives and Mr. Kashian is present on behalf of the People.  
8 This matter has been scheduled for examination and was  
9 scheduled for one o'clock. It's now 1:15 and I want to  
10 apologize to counsel. I was delayed at a meeting and got  
11 got back a little late from that. I'm sorry that we're  
12 getting started late.

13 Is there anything preliminarily, Mr. Kashian, at  
14 this time?

15 MR. KASHIAN: No, your Honor.

16 THE COURT: And Ms. Ives?

17 MS. IVES: No, your Honor.

18 THE COURT: Mr. Kashian, you may proceed.

19 MR. KASHIAN: Thank you, your Honor. We would call  
20 Lean Sawvel.

21 THE COURT: All right. If you'll step forward,  
22 please and I'll do that. If you'll just step right up here  
23 in front of me and raise your right hand to be sworn? Do  
24 you swear that the testimony you're about to give in the case  
25 now in hearing shall be the truth, the whole truth and nothing

1 but the truth, so help you God?

2 MS. SAWVEL: I do.

3 THE COURT: All right. Please take the witness  
4 stand, and for the record, please state your full name and  
5 spell your last name.

6 THE WITNESS: Leah Rose Sawvel.

7 THE COURT: Sawvel?

8 THE WITNESS: S-a-w-v like Victor, e-l.

9 THE COURT: O.K. And that's pronounced Sawvel.  
10 All right.

11 THE WITNESS: Um huh.

12 THE COURT: And how do you spell your first name?

13 THE WITNESS: L-e-a-h.

14 THE COURT: All right. Very well. Thank you. Mr.  
15 Kashian.

16 MR. KASHIAN: Thank you, your Honor.

17 LEAH ROSE SAWVEL

18 called as a witness, sworn by the Court at about 1:17 p.m.,  
19 testified:

20 DIRECT EXAMINATION

21 BY MR. KASHIAN:

22 O Leah, I'd like to direct your attention if I could, back in  
23 time. Did there come a point in time in which you lived in  
24 Branch County, in particular a residence I believe it would  
25 have been 356 Copeland Road in Kinderhook Township --

1 MS. IVES: I'm gonna object. I just - we're  
2 starting right off with leading questions, your Honor, and I  
3 guess, you know, this is a time and place --

4 THE COURT: It's preliminary question. I'll permit  
5 leading there. Overruled. You may proceed.

6 MR. KASHIAN: Thank you, your Honor. Was there a  
7 point in time in which you lived at 356 Copeland Road in  
8 Kinderhook Townshp?

9 A Yes.

10 O O.K. And just briefly, how is it that you came to reside at  
11 that residence.

12 A Um - they adopted me in 2000, April of 2000.

13 O And when you say they, who are --

14 A Scott and Tammy Sawvel.

15 O That particular residence, is that located in Branch County  
16 here?

17 A Yes it is.

18 O When you say Scott Sawvel, would he - how was he related to  
19 you, if you could tell us?

20 A He was my father.

21 O And when you say he was your father, legally is he still your  
22 father?

23 A Yes.

24 O And that would be by virtue of adoption?

25 A Yes.

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O Could you tell us if at some point in time, and I guess I would direct you back to approximately the year of 2000 and two, did there come a point in that year or perhaps previous to that, in which there was some sort of contact that occurred between you and and your adopted father which was inappropriate?

A Yes.

O What was it that first, I guess, took place if you could recall?

A It was kissing that was inappropriate.

THE COURT: I'm sorry. I didn't hear you.

THE WITNESS: Kissing.

THE COURT: Kissing?

O When you say kissing, where did this kissing take place?

A In places that he worked.

O And what type of work did he do?

A Um - they, Scott and Tammy owned a janitor service, A to Z Janitorial Cleaning Service.

O And you indicate the places he worked. Would these be places that he was cleaning?

A Yes. Like STAR building or FIA or peds.

O Did you assist somehow?

A Yeah. He ah - I started helping him clean. That's why I went with him. I was helping him clean.

O The first incident which occurred, do you remember

1 approximately when it would have been, time-frame-wise?  
2 A I would say it was in the fall when I started, probably  
3 around the time I started basketball in my sophomore year.

4 Q And that would have been the Fall of?

5 A Two thousand two.

6 Q How old were you then?

7 A I was 15.

8 Q And how old are you now?

9 A I'm 20.

10 Q And what's your date of birth?

11 A July 8th, 1987.

12 Q Thank you. So in the Fall of 2000 and two, you indicated  
13 that there was an appropriate kissing which took place?

14 A Um huh.

15 Q Do you happen to remember which place that was?

16 A It was in STAR.

17 THE RECORDER: I'm sorry.

18 MR. KASHIAN: STARS?

19 THE WITNESS: STARS building. Yeah.

20 Q All right. How did this occur? I mean, was it something  
21 spontaneous or can you describe what - how it took place?

22 A Um - at first we were just pretty close like I felt like I  
23 was close to him and I can tell him things and it just split  
24 from there. We used to just sit down and take breaks and  
25 talk and then it just went from there.

1 O When you say kissing, what type of kissing are we referring  
2 to?

3 A Mouth to mouth and tongue.

4 O So his mouth was on your mouth and his tongue went in your  
5 mouth?

6 A Yes.

7 O And again, how old were you that first incident?

8 A I was 15.

9 O Did there come a point in time in which there was some other  
10 activity that took place beyond, above and beyond the actual  
11 kissing?

12 A Yes.

13 O And could you tell us what happened in that regard?

14 A He would put his fingers in my vagina and then it led to more  
15 like he would give me oral sex. Then there would be rubbing  
16 of the penis on the vagina.

17 O And when you say he would put his fingers in your vagina,  
18 when was this when it first started? If we say Fall of 2000  
19 and two he started - there was a kissing, approximately when?  
20 How long after that? If you know?

21 A Approximately three to six months. That would be a guess.

22 O And how old would you have been then, approximately?

23 A Um - I would say almost 16.

24 O You're still 15?

25 A Yes.



1 Q When you said that he would put his fingers in your vagina,  
2 where did that take place at? Where were you when these  
3 incidents would occur?

4 A Like I said before, most of them were at the buildings that  
5 he cleaned and STARS was the most one - the building that most  
6 things happened in but sometimes it also happened at home,  
7 356 East Copeland Road.

8 Q This particular residence, 356 Copeland Road, who was present  
9 at the time when he would do this? Was there anyone else  
10 home at the time?

11 A His wife. And my brother.

12 Q Where were they?

13 A She would be sleeping and Noel would be sleeping too.

14 Q Is there any particular time of the day in which these  
15 incidents would occur?

16 A Usually before he would go to work 'cause he worked nights,  
17 so 11 p.m. or 12 p.m. I would be up doing homework or just  
18 be up.

19 Q And when you say when he - before he went to work, is there a  
20 particular shift that he would work?

21 A He worked midnights so like until six in the morning from  
22 late at night, 12 p.m.

23 Q The incidents, you indicated, would occur then at night? You  
24 would still be up doing homework and the others would be  
25 sleeping?

1 A Yes.

2 O Did - was there ever any conversation when this would take  
3 place? Did he ever say anything to you?

4 A We would just talk like it was a relation - I mean, just talk  
5 like - I don't know - conversation, normal conversation.

6 O Now, you indicated that he put his fingers in your vagina?

7 A (Nods head)

8 O You have to answer yes or no.

9 A Yes.

10 O O.K. And that would occur at least some of the incidents at  
11 356 Copeland Road?

12 A Yes.

13 O You also indicated that some incidents would have occurred  
14 at the STARS?

15 A Yes.

16 Q Any other locations that he cleaned that you recall?

17 A I cannot think of 'em but there was more in Coldwater. Most  
18 of the time it was Coldwater.

19 O In addition to him putting his fingers in your vagina, did -  
20 did he do anything else with regards to your vaginal area if  
21 you could tell us?

22 A He would give me oral sex and then rub his penis on my vagina  
23 but never went in. It was just rubbing.

24 O O.K. So you said he would give you oral sex which means he  
25 would?

1 A Put his tongue on my vagina.

2 Q And where would that occur?

3 A Same places. The work - businesses he owned and at home, 356  
4 Copeland Road.

5 Q Now, did there come a - I'm sorry - did there come a point in  
6 time in which ah - there was a last or final incident which  
7 occurred in terms of you and your adopted father, of a sexual  
8 nature?

9 A Yes.

10 Q When would have been the last incident, if you recall?

11 A Um - in April of 2004.

12 Q And how is it that you recall that particular incident?

13 Anything significant that happened at that time that you  
14 recall that caused these incidents to stop?

15 A Um - he was rubbing his penis on me and then he came and that  
16 was it.

17 Q When you say that he came and that was it, I realize this  
18 may be somewhat awkward but can you tell us what you mean  
19 by that?

20 A He spermed - I - yeah.

21 Q So there's?

22 A Semen. Yeah.

23 Q And that would be - where did that - I guess what caused you  
24 the concern during this time?

25 A Um - I was worried that I coulda got pregnant or something

1 'cause it started because he was rubbing his penis on my  
2 vagina and then that happened and.

3 Q Was anything said about it at that time?

4 A Um --

5 Q Either by you or him?

6 A I just went in the car and then we decided no more. When we  
7 got home, I just said, I don't wanta do this anymore 'cause I  
8 was scared and then I just took a shower and went to bed.

9 Q We've talked about, I guess, him penetrating your vagina  
10 with his finger or fingers and him performing oral sex on you.  
11 Was there any other type of contact or anything else that he  
12 would do? Did he ever touch you any other places or did he  
13 ask you to touch him anywhere?

14 A He never asked me to touch him anywhere. No.

15 Q O.K. Did he ever have you - well, did you ever touch his  
16 penis with your hand?

17 A With my hand, yes.

18 Q When did that happen or where did that occur if you recall?

19 A Ah - at another house and I don't remember when.

20 Q All right. Would it have been within that same time frame  
21 though?

22 A Yes.

23 Q Do you know approximately how old you would have been, about  
24 15 or - if you recall?

25 A Yeah.

1 O  
2 A  
3 Q  
4  
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6 O  
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11 O  
12 A  
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23 A  
24 O  
25 A

Yes?

Fifteen. Yes.

Now the last incident in April of 2000 and four, how old were you then?

I was 17.

All right. Did there come a point in time after that incident in April of 2000 and four that you just described, in which you told someone about what was going on between you and your father?

Yes. I told my best friend in high school at that time.

And who was that?

Her name is Nicole Mason.

Did you tell anybody else that you recall?

Not at that time. No.

All right. At the present time you are currently in college. Is that correct?

Yes I am.

And where do you go to college?

Ferris State University.

And as you're attending Ferris State University, did there come an opportunity for you to disclose something or tell someone at the university?

Yes.

And who did you tell at the university?

Plenty of people. I told my counselor and my professors, my

1 best friends.

2 Q Is there anything that caused you to tell?

3 A Um -- I had a Social Work 240 class which we were very open in  
4 class and we just started talking about things and I opened  
5 up and then I started doing counselling after that.

6 Q Are you still in counselling?

7 A Yes.

8 Q And you've indicated you've told your counsellor about this?

9 A Yes.

10 Q Did there come a point in time then in which the police  
11 became involved in an investigation of this matter?

12 A Yes. And it was March of last year.

13 Q Do you know that happened or how that occurred?

14 A Um - because there were - we just - she told me that we  
15 should report it to the - I think it's mandatory for a  
16 counsellor to do it, so she kind of - it was a healing thing  
17 so she said, well, do you wanta do this and we reported it to  
18 the state - Reed City police.

19 Q O.K. When you say she, that would be your counsellor?

20 A Yes.

21 Q All right. And was a report made to the state police?

22 A Yes.

23 Q O.K. Did you do that or did your counsellor? If you know?

24 A I did that.

25 Q And for the record, the person that we've been referring to

1 as your adoptive father, Mr. Sawvel?

2 A Yes.

3 Q If he were present in the courtroom again, would you recognize  
4 him?

5 A Yes.

6 Q Could you just, for the Court's benefit, point to him and  
7 describe what he has on?

8 A (Pointing) He has a red and black tie and a suit.

9 MR. KASHIAN: May the record reflect she's  
10 identified the defendant, your Honor?

11 THE COURT: It may so reflect.

12 MR. KASHIAN: I'd have no further questions, your  
13 Honor.

14 THE COURT: Very well. Cross examine?

15 MS. IVES: Thank you, your Honor.

16 CROSS EXAMINATION

17 BY MS. IVES:

18 Q Leah, when you got here today, did you talk to the  
19 prosecutor's office about the questions that were gonna be  
20 asked of you today?

21 A Yes.

22 Q The prosecutor went over those questions he was gonna ask  
23 you?

24 A Yes.

25 Q O.K. Did ah - he go over the questions that I would ask you?

1 A No.

2 Q O.K. Ah - did he give you anything to review before you came  
3 in today?

4 A No.

5 Q O.K. Did you ah - prior to coming in today, who else in the  
6 prosecutor's office did you speak to about this case?

7 A Denise Mack.

8 Q O.K. And ah - is she the only one in the prosecutor's office  
9 that you've spoken to about this case --

10 A Yes.

11 Q --other than Mr. Kashian today?

12 A Yes.

13 Q O.K. And did you personally meet with her about this case or  
14 was it through phone contact?

15 A Personally.

16 Q O.K. Prior to this today?

17 A Yes.

18 Q O.K. And when was that?

19 A Probably about three months ago. January.

20 Q Did you ever speak with Ms. Norris about this case?

21 A No.

22 Q Ah - were you asked to review anything when you met with Ms.  
23 Mack?

24 A No.

25 Q Did you ever make a written - written statement?



1 A

No.

2 O

O.K. Or when Trooper - I think it's Taylor up in Reed City when you met with him?

4 A

Oh. Yes.

5 Q

Did you make a written statement for him?

6 A

I might have had to then. Yes.

7 Q

O.K. Ah - what grade - when you - you were testifying and you told Mr. Kashian that ah - this relationship or this kissing started between you and Scott in the summer ah - of 2000 and two. That's when you indicated your first inappropriate contact with Scott was. Is that right?

12 A

It was the Fall.

13 O

In the Fall of '02.

14 A

Yes.

15 Q

And what grade were you in at that time?

16 A

I was a sophomore in high school.

17 O

O.K. And you also recall that because that was the time you were playing basketball?

19 A

Yeah.

20 O

And who were your teachers and coaches at that time?

21 A

Um - Mr. Henry and Mrs. Warner and - that was a couple of 'em.

22 O

O.K. And you also were in - in basketball?

23 A

Yes.

24 O

O.K. What - was that - that was J.V. basketball?

25 A

J.V.

1 Q O.K. How many times a week did you ah - have basketball?  
2 A Every night after - Monday through Friday after school.  
3 Q Monday through Friday after school?  
4 A I believe so. Yes.  
5 Q From what time to what time?  
6 A I was usually three to five was practice.  
7 Q O.K. And then you had games?  
8 A Yes.  
9 Q What days were the games on?  
10 A I would say - sometimes it was during the week. Just usually  
11 Wednesday, Thursday, something.  
12 Q How many games were there during the week?  
13 A One - or two sometimes.  
14 Q O.K. And what time - what times were those?  
15 A Five forty five. Around there, I believe.  
16 Q O.K. And how late did they go to?  
17 A They lasted about an hour.  
18 Q O.K. Were they home games?  
19 A Some of them were.  
20 Q O.K. So you traveled to other places?  
21 A Yes.  
22 Q O.K. Like, where would you travel to?  
23 A Quincy and Marshall. It's just surrounding Coldwater.  
24 Q Who ah - um - who primarily picked you up and brought you to  
25 those games?

1 A Tammy.  
2 Q O.K. Describe a typical day when you had basketball practice  
3 after school.

4 MR. KASHIAN: Your Honor, I guess I'd object. How  
5 is that relevant? A typical day?

6 THE COURT: What's the relevancy?

7 MS. IVES: Well, your Honor, we're talking about  
8 a time frame and Mr. Kashian was pinning down a time which  
9 he indicated she was --

10 THE COURT: Well, your question's way too broad.  
11 Sustained.

12 MR. KASHIAN: Thank you, your Honor.

13 MS. IVES: O.K. Ah - you had made a statement  
14 earlier that these things would happen around 11 or 12 p.m.  
15 at night.

16 A Yes.

17 Q O.K. What were you doing in the evening at that time?

18 A Sometimes homework or I was just up 'cause I knew he would  
19 be there. I was awake.

20 Q O.K. You didn't have a bedtime?

21 A I had a bedtime at nine. Yes.

22 Q O.K. When - I'm gonna take you back years prior. You had  
23 indicated that the Sawvels were your adoptive parents?

24 A Yes.

25 Q O.K. Ah - tell me what your relationship was like when you

1 first were adopted.

2 A It was a normal parent relationship.

3 Q O.K.

4 A It was good.

5 Q How'd you get along with Tammy?

6 A Good at first.

7 Q So when you first were adopted, she was a loving mother to  
8 you?

9 A Yes.

10 Q And you were happy to be in their home?

11 A Um huh.

12 Q O.K. And ah - Scott was a loving father?

13 A Yes.

14 Q And you wanted to be in their home?

15 A Yes.

16 Q And you wanted to be adopted by Tammy and Scott?

17 A Yes.

18 Q After a while you didn't get along with Tammy so well.

19 Correct?

20 A Correct.

21 Q Why do you think that is?

22 MR. KASHIAN: I'd object, your Honor. I think it  
23 calls for speculation on the part of the witness unless  
24 there's really something that she knows.

25 THE COURT: Well, if she knows - if you know.

1 Overruled.

2 A I'm sorry. What was the question?

3 Q Why you think your mother --

4 A Tammy?

5 Q Yes. Why do you think that you and Tammy weren't getting  
6 along so well?

7 A Because I was a teenager and we just fought about teenage  
8 things.

9 Q O.K. Fought about teenage things?

10 A Like with my friends, trying to go out, no, and I just had an  
11 attitude like any teenager would.

12 Q O.K. She actually kept a pretty tight control on you, didn't  
13 she?

14 A Yeah.

15 Q She pretty-wanted to watch every move you made. Right?

16 A Yes.

17 Q You never particularly liked her so well, did you?

18 A No.

19 Q She would have conversations with you about inappropriate  
20 touching. Right?

21 A Yes.

22 Q And inappropriate behaviors?

23 A Yes.

24 Q Tell me about those.

25 A Well, when I first got there, her sister - when I was in

1 their home, I was sexually abused by her brother in law and  
2 so when I got there, she had told me - basically we had a  
3 conversation about what's right and what's wrong and her  
4 sister had told her to watch me because I would do the same  
5 thing that happened with her brother in law, so basically  
6 from the beginning, Tammy was a hawk for watching me all the  
7 time. So they were just about what's right and what's wrong.

8 THE COURT: Excuse me. How old were you when you  
9 were adopted?

10 THE WITNESS: I was 12.

11 THE COURT: You were 12.

12 THE WITNESS: Almost 13. Yes.

13 THE COURT: O.K. Thank you.

14 THE WITNESS: You're welcome.

15 Q And so because of a prior sexual allegation you made in the  
16 prior home, Tammy was watching you like a hawk?

17 A Yes.

18 Q Ah - did she find some of your behaviors inappropriate?

19 A Yes.

20 Q And what behaviors did she find inappropriate?

21 MR. KASHIAN: I guess I'd object. I don't know  
22 how that's relevant as far as whether she found certain  
23 behaviors inappropriate.

24 THE COURT: What's the relevance of this?

25 MS. IVES: Your Honor, this all goes to the

1 witness's motive to tell - make up a story. It goes toward  
2 credibility of this story in general.

3 THE COURT: The objection's sustained.

4 MR. KASHIAN: Thank you, your Honor.

5 MS. IVES: Let's ah - talk about - this kissing  
6 that started - that you say started to take place in the Fall  
7 of '05.

8 A Yes.

9 Q You said you were in the STARS --

10 A It was the Fall of '02.

11 Q Fall of '02. I'm sorry. Fall of '02. You said you were in  
12 the STARS building with Scott.

13 A Yes.

14 Q When he was cleaning at night.

15 A Yes.

16 Q O.K. Where is the STARS building?

17 A It's by the hospital on the main street.

18 Q O.K.

19 A Coldwater hospital.

20 Q O.K. And what rooms in particular were you in?

21 A The upper level. In an office.

22 Q Upper level in an office.

23 A Upper level, STARS building, an office.

24 Q O.K. And describe for me, please, how this kissing was  
25 initiated in this office.

1 A We would be sitting actually (excuse me) to each other  
2 talking and then he asked me one day if it was O.K. and I  
3 said, yes.

4 O O.K. Where were you - was it an office chair with a desk?

5 A No. Well, there was an office chair with a desk but we were  
6 at - there was a couch in this office too and then there was  
7 another chair and we usually set on the couch.

8 Q O.K. And what kind of things were you talking about?

9 A Life in general. School, classes, friends, home, sometimes  
10 Tammy.

11 O O.K. And then you're saying - you just said that Scott  
12 asked if he could kiss you?

13 A Yes.

14 O And then you said yes.

15 A Yes.

16 O O.K. And tell me what time - what time of day is it, what  
17 time of night is it?

18 A Sometime whenever he went into work. It depends on when he  
19 went into work that night. - We usually - I never - it  
20 wasn't usually midnights because Tammy wouldn't let me work  
21 the midnights. Like it was in the - like 10 p.m. or  
22 nighttime. Sometimes during the weekend we'd clean during  
23 the day too, so it just depended.

24 O The first time that he - that you say he kissed you, where -  
25 or when was that? That memorable moment. When, what time,



1 paint the picture for me.

2 A I can't give you an exact time.

3 O You what?

4 A I can't give you an exact time.

5 O You don't know what time of day you - this happened?

6 A It was nighttime. Yes.

7 O It was nighttime?

8 A Yes. 'Cause that's when he usually went cleaning.

9 O And you don't know if it was in the evening or if it was in -

10 (inaudible words - both speaking)

11 MR. KASHIAN: Your Honor, the question's been asked

12 and answered.

13 THE COURT: Sustained.

14 MR. KASHIAN: Thank you.

15 MS. IVES: At some point you said the kissing went

16 beyond that?

17 A Yes.

18 O What's the first time you recall something - something else

19 happening?

20 A What happened? Is that what you're asking?

21 O When is the first time that you recall something else

22 happening?

23 A A couple months after it started.

24 O After what started?

25 A The kissing started, the relationship that was inappropriate

1 started.

2 O O.K. Did this kissing happen everyday?

3 A No.

4 O O.K. How many times a week did you go to work with Scott?

5 A Um - I would say two, but it - it stopped. I stopped going  
6 to work with him after a while, so. And then things just  
7 happened in the house.

8 O So you went to work with him twice a week, you said?

9 A That's a guess, but yes.

10 O O.K. From what time frame to what time frame? You said that  
11 stopped. I wanta know what time you --

12 O I can't say exactly.

13 O And he started kissing you in the Fall of '02?

14 A Yes.

15 O O.K. What month would - do you know what month?

16 A That I stopped working with him? No.

17 O Sure. What month did you stop work - which month did you  
18 stop?

19 A I couldn't tell you.

20 O So you have no idea when you stopped going to work with him?

21 A No because it still happened in April, the incident that -  
22 the last incident happened in April of 2004 so it had to be  
23 after that.

24 O O.K. You called this a relationship. Did you consider your  
25 father your boyfriend?

1 A

No. No.

2 Q

O.K. Why do you call it a relationship?

3 A

Any relationship you have with a person is a relationship.

4 Q

O.K. Did you tell Tammy that you were kissing her husband?

5 A

No.

6 Q

Why? Why not?

7 A

Um - first of all, she wouldn't have believed me and we told each other that we wouldn't tell anyone, so.

9 Q

When this relationship progressed from kissing, how old were you when - and what was the event that made it progress?

10

11 A

It was his fingers in my vagina and I was almost 16, 15 and a half.

12

13 Q

And where did that first occur?

14 A

I would say STAR building. STARS is where most of the incidents happened, so.

15

16 Q

O.K. So the first time, your - your first time that you allege that he put his fingers in you was when you were in the STARS building?

17

18

19 A

Yes.

20 Q

O.K. What were you doing at the STARS building when this happened?

21

22 A

We were cleaning and then we took a break.

23 Q

O.K. Is this a - I mean, are there a lot of rooms here to clean?

24

25 A

There is an upstairs and a downstairs so I would say there's

1 four rooms on top and then there's the downstairs and there's  
2 like four rooms downstairs.

3 Q O.K. And what did you clean?

4 A Anywhere. Upstairs, downstairs.

5 Q Well, what would you do? What were your duties?

6 A I'd vacuum or take out the garbage or clean the bathroom,  
7 anything that he asked me to.

8 Q O.K. How long did it take to clean the STARS building?

9 A Probably an hour.

10 Q O.K. During the time you were cleaning on this particular  
11 occasion, you allege that Scott put his fingers in you?

12 A Yes.

13 Q O.K. At this time, was there anyone else in the building?

14 A No.

15 Q It was just you and Scott?

16 A Yes.

17 Q Ah - what room were you on?

18 A The one upstairs where it always had been. I couldn't tell  
19 you what it was called or - it was just office upstairs.

20 Q O.K. Where were you in the room when it happened?

21 A On the couch.

22 Q You were on the couch?

23 A Yes.

24 Q O.K. You're on the couch upstairs in the STARS building.

25 A Yes.

1 Q O.K. Ah - was it - do you recall what time of year this was?  
2 A As I said before, it started in the Fall so.  
3 Q I'm talking about the first time..  
4 A It was still in the Fall then. Probably heading into winter.  
5 Q Had you ever had sex before or --

6 MR. KASHIAN: I object, your Honor. I don't believe  
7 that's relevant. There's also the rape shield statute which  
8 would prohibit that.

9 THE COURT: Sustained.

10 MS. IVES: O.K. Did you have any - I mean, was  
11 this alarming to you when - was this - was this alarming to  
12 you. You're alleging that this happened. I mean, did you  
13 jump up, did you do anything?

14 A No.

15 Q No. So you just let it happen?

16 A Yes.

17 Q When did this happen again? When's the next time it  
18 happened?

19 A I couldn't tell you. It happened often.

20 Q Did it happen once a week?

21 A Yeah. Sometimes two.

22 Q So you're saying Mr. Sawvel, from the time you were 15, mid  
23 15 and a half years old, put his fingers in you on a weekly  
24 basis?

25 A Yes.

1 O Sometimes more than once a week?

2 A Yes.

3 O O.K. Now, you also said that at some point you quit going to  
4 work with Mr. Sawvel.

5 A Yes.

6 O But he - this - so then where would it be that this happened?

7 A It would happen at home.

8 O O.K. Give me a typical evening when this would happen to you.

9 A No one would be around and it would just start I guess if  
10 that's what you're wanting.

11 O Well, how did it start? I mean, where - when you --

12 A He would just come and kiss me and then it went further.

13 O He'd come into your room?

14 A He has a few times. Yes. But things mostly didn't happen  
15 in there - in my room.

16 O It didn't happen in your room.

17 A No. Mostly in the kitchen.

18 O In the kitchen. O.K. So this would be in the evening?

19 A Yes.

20 O Are you - what are you doing prior to this happening?

21 A Just hanging out in my room.

22 O Just hanging out in your room.

23 A Yes.

24 O And then you come out of your room and try to find Scott?

25 A I'd either be going to get a drink or going to the bathroom

1 and I'd see him and then we'd talk and it would start.

2 Q O.K. And how would it start?

3 A He would start by kissing me and then it would go further.

4 Q O.K. And what do you mean by that?

5 A He would put his hands in my pants and in my vagina.

6 Q O.K. Tammy wasn't around?

7 A If she was, she was sleeping or she was in her room watching

8 T.V., doing whatever.

9 Q You ah - you also allege that at some point Scott had oral

10 sex with you?

11 A Yes.

12 Q O.K. How many times did that occur?

13 A I couldn't tell you how many times. Probably a handful or

14 two hands.

15 Q A handful or two hands?

16 A It wasn't often. I didn't count every time it happened.

17 THE COURT: Can you place a number on that? Five

18 to ten, ten to 15, more than that?

19 THE WITNESS: Probably 10 to 15.

20 THE COURT: O.K.

21 Q How - would Scott undress you?

22 A Yes.

23 Q O.K. So Scott would undress you?

24 A Yes.

25 Q And - I guess, tell me - I mean, at this time, what - what

1 are you feeling?

2 A I was O.K. with it.

3 O Why?

4 A Why not? That's - it - that's what we've been doing at it.

5 MR. KASHIAN: Your Honor, I guess at this point I  
6 object to the question. I'm not sure - really, I think it's  
7 if it's relevant what she was feeling. I mean, the issue of  
8 consent is not an issue that --

9 THE COURT: It does not but the answer's already  
10 in. Overruled. Go ahead.

11 O Ah - you said you had a Social Work class at college, Social  
12 Work 240.

13 A Yes.

14 Q And you disclosed this ah - these allegations during that  
15 class?

16 A Yes.

17 Q Who was your professor in that class?

18 A Kathy Palazzola-Miller.

19 Q O.K. What year was that? What college year?

20 A Two thousand seven, last year, sophomore year in college.

21 Q Two thousand seven?

22 A Yes.

23 Q O.K. Ah - how come you didn't report this when you were in  
24 high school?

25 A I just didn't. Just didn't. There was no one I would have



1 told. I just told me friend and that was it. And I was  
2 still living with them at the time, so.

3 Q You know, there came a point in time that you became really  
4 angry at Scott and Tammy when you left for college. Do you  
5 recall that?

6 A No.

7 Q Ah - You remember your first day of college?

8 A Yes. I do.

9 Q Scott and Tammy took you up to college?

10 A And dropped me off. Yes.

11 Q They dropped - they just dropped you off. Right?

12 A Dropped me off at a hotel. Yes.

13 Q And gave you some money and said, here, go to college?

14 A Didn't get money but yes, I got dropped off at a hotel.

15 Q O.K. Well, they paid for the hotel.

16 A Yes.

17 Q O.K. They dropped you off and said, here, you're on your own.

18 Go to college. Good luck.

19 A Yes.

20 Q That was pretty frustrating wasn't it?

21 A Yes.

22 Q Because they --'cause actually their son, Noah, started first  
23 grade too the next day. Right?

24 A Yeah.

25 Q And - and that was more important than seeing their adopted

1 daughter off to college.

2 A Adopted doesn't mean anything. I was their daughter, but yes.

3 O They dropped their daughter off and --

4 A Yes.

5 O You were pretty hurt by that?

6 A Yes.

7 O And to this day, you're still pretty mad about it. Yes?

8 A Yes.

9 O Um huh. Ah - there came a time too, when you ah - your

10 parents told you that they weren't gonna be able to pay for

11 college anymore. Right?

12 A They never helped me.

13 MR. KASHIAN: Your Honor, I guess I'd object to -

14 to the whole line of this questioning. I mean, it just seems

15 argumentative in nature unless she can somehow tie this in

16 that her bias or some other motive in this particular case.

17 THE COURT: I'll permit some exploration. The

18 objection is overruled at this point. Go ahead.

19 MS. IVES: Thank you, your Honor.

20 O So there comes a point in time into college when Tammy and

21 Scott said they can no longer pay for your college.

22 A They never did, ma'am.

23 O O.K. They weren't going to be able to help you out with

24 funds, funding for college.

25 A Yes.

1 Q Right?

2 A They never planned on helping me, but yes.

3 Q And you were a little bit irritated with them for cutting you  
4 off.

5 MR. KASHIAN: I'd object, your Honor. I think she's  
6 mis-quoting the witness. The witness indicated that actually  
7 they never did pay for her college so I'm not sure if, in  
8 fact, there was anything to cut off.

9 THE COURT: You'll have to re-phrase the question.  
10 Overruled. Or strike that. Sustained. I'm sorry. Go ahead.

11 MR. IVES: All right. Thank you. Well, let's kind  
12 of get - you may not understand this because maybe I don't  
13 understand you. When you went to college you actually had a  
14 Tipman fund. Right?

15 A Yes. 'Cause I was adopted.

16 Q O.K. And then that - so there was scholarship money that you  
17 actually got to go to college.

18 A Yes.

19 Q And that paid for your first couple years of college?

20 A Most of it. Yes.

21 Q O.K. And then you had - you had worked and saved some to pay  
22 for the rest of college?

23 A Yes.

24 Q And you were running out - that scholarship money was running  
25 out and you needed to - you needed to find more sources to

1 stay in school?

2 A Yes.

3 O And it was frustrating for you because Scott and Tammy weren't  
4 helping you find a way to meet those financial needs?

5 A Yes.

6 O O.K.

7 THE WITNESS: Can I have a tissue, please?

8 THE COURT: Yes.

9 THE WITNESS: Thank you.

10 THE COURT: Sure.

11 MS. IVES: In your report - um - and you recall  
12 making the report to Mr. ah - ah - well, it's either Tyler  
13 or Taylor - up in the --

14 A Taylor Trooper - or Trooper Taylor. Yes.

15 O --in Reed City. Right?

16 A Yes.

17 O And ah - you ah - as you testified today, you discussed these  
18 facts with him. Do you recall that?

19 A Yes.

20 O You also told the ah - ah - Officer Reed that you had been  
21 having inappropriate sexual contact with Scott and Tammy's  
22 son, Noah?

23 MR. KASHIAN: I'd object. I don't know how that's  
24 relevant at all, your Honor.

25 THE COURT: Sustained.

MR. KASHIAN: Thank you.

1 MS. IVES: Well, your Honor, I think if the Court  
2 would permit --

3 THE COURT: The objection is sustained. Proceed.

4 MR. KASHIAN: Thank you, your Honor.

5 MS. IVES: At some point, Scott and Leah (sic)  
6 wouldn't let you talk to Noah. Right?

7 A Scott and who? Tammy?

8 Q All right. Scott and Tammy wouldn't let you talk to Noah.  
9 Right?

10 MR. KASHIAN: Your Honor, I'd object. I don't know  
11 how that's relevant. How does that, I guess, affect anything  
12 in terms of whether she could talk to someone.

13 THE COURT: I'll permit that. Overruled.

14 MS. IVES: Thank you. Scott and Tammy wouldn't let  
15 you see Noah. Correct?

16 A After I disclosed the information, yes.

17 Q After you disclosed what information?

18 A Well, Scott - I talked to Scott about everything that  
19 happened and told him what I was doing and then I sent a  
20 letter to Tammy, so yes, after that incident. Yes. Otherwise  
21 I saw him before that in December and it happened in March,  
22 so yeah. I saw him.

23 Q When Tammy and Scott found out that Noah had been sexually  
24 touched by you, they would not let --

25 A They --

1 MR. KASHIAN: Object. Like I said, I object. The  
2 Court's previously ruled on this.

3 MS. IVES: This has nothing to do with --

4 MR. KASHIAN: She's asking another question --

5 MS. IVES: This has nothing to do with the sexual --

6 MR. KASHIAN: --along the same line.

7 MS. IVES: --contact between Noah. This happens to  
8 deal with her reasoning for being mad at my clients for not -  
9 they - my clients would not allow - allow contact with Noah  
10 and she's - this witness is mad about that.

11 THE COURT: Well then, limit your question to  
12 simply that. The contact or no contact. No context of  
13 sexual intimacy is going to be permitted here as regards this  
14 young lady and anybody other than your client.

15 MS. IVES: O.K.

16 THE COURT: The objection is overruled with that  
17 narrow exception. Go ahead.

18 Q Regarding Noah, you weren't - Tammy and Scott wouldn't let  
19 you see Noah, would they?

20 A That hasn't - after I already told them it was gonna happen,  
21 so it had nothing to do before this. So I saw him all the  
22 way up to then. So then, yes.

23 Q So you were mad at them 'cause they wouldn't let you see Noah?

24 A As any normal person would be. Yes.

25 Q O.K. You're uptight with them because they put Noah first?

1 A Yes.

2 Q O.K.

3 MS. IVES: I have no further questions, your Honor.

4 THE COURT: Very well. Thank you, Ms. Ives. And  
5 redirect, please?

6 REDIRECT EXAMINATION

7 BY MR. KASHIAN:

8 Q You indicated that the first incident would have been  
9 approximately the Fall of 2000 and two?

10 A Yes.

11 Q And you were 15 at the time. You turned 16, would it have  
12 been in July of 2000 and three. Does that sound right?

13 A Yes.

14 Q Were there incidents which occurred, I guess, that you talked  
15 about with regards to the digital penetration as well as the  
16 oral sex and him having you - or you touching his penis up  
17 and through that date of July of 2003 when you became 16?

18 A Yes.

19 Q I guess what I'm getting at is, had he performed all of these  
20 acts at least once before you reached 16?

21 A Once. Yes.

22 THE COURT: Your answer? I'm sorry.

23 THE WITNESS: Yes.

24 MR. KASHIAN: No further questions.

25 THE COURT: Thank you. And recross, Ms. Ives?

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MS. IVES: No, your Honor.

THE COURT: All right. Thank you, Miss Sawvel.  
You may step down.

(At about 1:59 p.m., witness excused)

Mr. Kashian?

MR. KASHIAN: No further witnesses, your Honor.

THE COURT: All right. Do you have any evidence to  
present, Ms. Ives?

MS. IVES: No, your Honor.

THE COURT: All right. Counsel?

MR. KASHIAN: Your Honor, we would ask the Court to  
entertain a motion to amend what appears to be the date which  
is contained on the complaint. Reviewing that complaint,  
there appears to be a date of on or about January 1st of  
2000 and one. We would ask the Court to entertain a motion  
to amend that date to approximately Fall of 2000 and two  
through Summer of 2000 and three.

THE COURT: Is there any objection to that, Ms.  
Ives?

MS. IVES: Ah - it - well, yeah, your Honor. I  
mean, I - I - I guess I would just ah - you know, at this  
point - there's no objection to the dates but I do wanta make  
a closing argument towards the bind over.

THE COURT: Very well. The motion's granted and  
the complaint is amended to reflect the specific times as



1 Fall of 2002 to the Summer - or through the Summer of 2003.  
2 And you may proceed.

3 MR. KASHIAN: Thank you, your Honor. We would ask  
4 the Court to bind over on the three counts as contained in  
5 the complaint with the amended date.

6 THE COURT: Very well. Ms. Ives?

7 MS. IVES: Thank you, your Honor. The only thing  
8 that I can say is that of the People versus Kevorkian, the  
9 witness needs to state specif - with specificity and not in  
10 generality, the actual events that occurred. We think that  
11 she did not give enough specificity in any of this regard and  
12 we would ask the Court dismiss.

13 Thank you.

14 THE COURT: All right. Thank you. Any response to  
15 that?

16 MR. KASHIAN: No, your Honor.

17 THE COURT: All right. The standard being probable  
18 cause, I find that there is significant specificity as to the  
19 charges filed to support a bind over in this matter. As to  
20 counts I, II and III of the complaint, the Court is satisfied  
21 by competent evidence of record together with reasonable  
22 inferences to be drawn from the evidence, that there is  
23 probable cause to believe both that each of those crimes has  
24 been committed and the defendant committed these crimes.  
25 Accordingly, I do order the matters bound over to Circuit

1 Court for further disposition on the charges contained in the  
2 warrant, recognizing that the time frame here involves a  
3 period of time that goes back roughly four to five to six  
4 years. I am still, at this time, going to order the  
5 statutory testing for Aids or sexually transmitted diseases,  
6 so Mr. Sawvel will be ordered to submit to that testing.

7 Is there anything further before we schedule an  
8 arraignment date in Circuit Court, Mr. Kashian?

9 MR. KASHIAN: No, your Honor.

10 THE COURT: And Ms. Ives?

11 MS. IVES: No thank you, your Honor.

12 THE COURT: All right. Your bond is continued, Mr.  
13 Sawvel and a date, please, Mrs. Cox?

14 THE RECORDER: April 25th at 1:30.

15 THE COURT: Very well. And if there's nothing  
16 further, the Court is adjourned in the Sawvel case. Mr.  
17 Sawvel, you'll have some paperwork to sign before you leave,  
18 sir.

19 MR. KASHIAN: Thank you, your Honor.

20 THE COURT: The Court's in recess, please.

21 (At about 2:03 p.m., hearing is concluded)  
22  
23  
24  
25

